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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,129	01/16/2004	Peter S. Brown	ENDOV-63893	7202
60117	7590	12/12/2007		
RATNER PRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER MILLER, CHERYL L	
			ART UNIT	PAPER NUMBER
			3738	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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CT

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10760129	1/16/04	BROWN ET AL.	ENDOV-63893

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EXAMINER

Cheryl Miller

ART UNIT	PAPER
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3738

20071129

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply brief filed November 26, 2007 has been noted by the examiner. Examiner's comments in response to the reply brief are attached hereto.

Reply Brief

The reply brief filed November 26, 2007 has been noted by the examiner.

Examiner's Comments

The applicant has argued that Quiachon teaches away from placement of markers near folds. The examiner disagrees. Quiachon mentions nothing about folds. In fact, the primary purpose of the markers of Quiachon are primarily to view the positioning of the graft after implantation, to see at a later date whether the graft has stayed in position or twisted or moved to a different position in use. In contrast, "folding" of Wolinsky's graft occurs before and during implantation, before the graft is expanded and unfolded and thus the folding of Wolinsky's graft would not interfere with the markers, since Quiachon uses the markers for after placement in the vessel which would occur after unfolding. Quiachon can not teach away from using markers on Wolinsky's folded graft, since Quiachon's application of the markers is for after implantation and after unfolding thus prior to unfolding is irrelevant since the markers have no use at this point in time. It is also noted that even during folding, the markers of Quiachon would still be visible and could be used to note positioning of the folds during implantation as an added bonus to simply noting the positioning of twists after the graft has been unfolded and expanded. Quiachon is believed by the examiner to be a good teaching of the placement of markers on vascular grafts such as that disclosed by Wolinsky and is believed to *not* teach away from Wolinsky's invention of folding grafts during implantation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Miller whose telephone number is (571) 272-4755. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cheryl Miller/



CORRINE McDERMOTT
SUPERVISORY PATENT EXAMINER
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Appln. No.: 10/760,129

BSI-566US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/760,129
Appellant: Peter S. Brown et al.
Filed: January 16, 2004
Title: ENDOVASCULAR GRAFT WITH PRESSOR AND ATTACHMENT
METHODS
T.C./A.U.: 3738
Examiner: Cheryl L. Miller
Confirmation No.: 7202
Docket No.: BSI-566US

REPLY BRIEF UNDER 37 C.F.R. § 41.37

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Commissioner for Patents
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S I R :

Appellants submit this Reply Brief in response to the Examiner's Answer mailed on September 24, 2007. The arguments set forth herein address issues raised in the Examiner's Answer and supplement the arguments set forth in the Appeal Brief filed on August 21, 2007.

This Brief is presented in the format required by 37 C.F.R. § 41.37, in order to facilitate review by the Board. In compliance with 37 C.F.R. § 41.37(a)(1), this Brief is being filed within two months from the date of mailing of the Examiner's Answer.